

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE

In re:

MAIETTA CONSTRUCTION, INC.,

Debtor.

Chapter 11

Case No. 10-21171

In re:

MAIETTA ENTERPRISES, INC.,

Debtor.

Chapter 11

Case No. 11- 20197

**JOINT MOTION OF DEBTORS FOR JOINT ADMINISTRATION
OF CHAPTER 11 CASES**

Now come Maietta Construction, Inc. (“Construction”) and Maietta Enterprises, Inc. (“Enterprises”) (Construction and Enterprises shall be referred to collectively as the “Debtors”), by and through their attorneys, and file this Joint Motion for Joint Administration of the Debtors’ Chapter 11 Cases pursuant to Federal Rule of Bankruptcy Procedure 1015(b) and, in support hereof, respectfully state as follows:

1. On July 21, 2010 (the “Construction Petition Date”), Construction filed an original, voluntary petition for relief under Chapter 11 of Title 11 of the United States Bankruptcy Code, 11 U.S.C. § 101 *et seq.* (the “Code”) with this Court.
2. On February 24, 2011 (the “Enterprises Petition Date”), Enterprises filed an original, voluntary petition for relief under the Code with this Court.
3. Construction is a construction contractor, providing services such as excavation and site clearing, road construction, drainage and sewage construction, back filling, fine grading,

and snow plowing. In addition, Construction also sells loam, sand, gravel, and stone aggregate products.

4. Enterprises is the successor by merger to GLM Associates, Inc. (“GLM”), Pleasant Hill Auto Sales, Inc. (“Pleasant Hill”), Maietta Foundations, Inc. (“Foundations”), M7 Properties, LLC (“M7”), and itself, which merged pursuant to 13-C M.R.S.A. § 1106 on or about February 17, 2011. Enterprises’ business consists primarily of the following activities and operations incidental thereto: (a) a construction business that provides services such as excavation, road construction, drainage and sewage construction, foundation construction, backfilling, fine grading and snowplowing; (b) an automobile sales, repair and towing business; and (c) the ownership, maintenance and rental of multiple real properties in southern Maine.

5. The Debtors shares common officers, directors and shareholders and Construction currently leases its employees to Enterprises pursuant to the terms of a Staffing Agreement approved by this Court in July of 2010. Construction also leases virtually all of its construction equipment, trailers and vehicles to Enterprises pursuant to the terms of a lease approved by this Court in December of last year.

6. This Court has jurisdiction over this case pursuant to 28 U.S.C. §§ 157(a), 1334(a) and 1408(1), and the standing order of the United States District Court for the District of Maine dated August 1, 1984, pursuant to which all cases filed in Maine under Title 11 are automatically referred to this Court. This is a core proceeding. The Court has jurisdiction to enter a final order on this Motion pursuant to 28 U.S.C. § 157(b)(2)(A).

7. Because of the common management and control of the Debtors, and the relationship of the Debtors, joint administration of these Chapter 11 cases is practical, convenient, and will promote the economical and efficient administration of the estates. Such

joint administration will avoid the necessity of duplicative filings, and will assure that all creditors are simultaneously apprised of all proceedings. Equally important, Enterprises and Construction intend to pursue confirmation of a joint plan of reorganization, which the Debtors expect to file shortly, and joint administration would facilitate the consideration of the plan and the related disclosure statement.

8. This request for joint administration is procedural and administrative in nature only at this time. No request is made herein for the substantive consolidation of the estates of the Debtors, although the Debtors contemplate merging or substantively consolidating Enterprises and Construction in the near future pursuant to a plan or reorganization.

9. The Debtors request that the caption of their Chapter 11 cases be modified to reflect the joint administration of these Chapter 11 cases as follows:

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MAINE**

In re:

MAIETTA CONSTRUCTION INC.
& MAIETTA ENTERPRISES, INC.

Debtors.

Chapter 11

Case Nos, 10-21171 and 11-20197

Jointly Administered

10. The Debtors submit that use of this simplified caption will eliminate cumbersome and confusing procedures and ensure a uniformity of pleading identification.

11. The Debtors further seek the Court's direction that a notation substantially similar to that below be made on the case dockets of each of the Debtors' Chapter 11 cases to reflect the joint administration of these Chapter 11 cases:

Orders dated March __, 2011 have been entered in the cases of MAIETTA CONSTRUCTION, INC. and MAIETTA ENTERPRISES, INC. for consolidation of the cases for procedural purposes only and providing for the joint administration of the Debtors' cases. All docket entries are maintained on the docket of MAIETTA CONSTRUCTION, INC. docket no. 10-21171.

12. Additionally, the Debtors seek authority to file, where necessary, consolidated monthly operating reports as required by the Office of the United States Trustee if, in the Debtors' sole determination, after consultation with the Office of the United States Trustee, and the creditors' committee (if a committee is appointed and chooses to serve in the Chapter 11 cases) such consolidation of reports would be in the best interests of administrative economy and efficiency and would accurately reflect the Debtors' consolidated business operations and financial affairs.

13. Originals of this Motion are being filed in each of these Chapter 11 cases and the Debtors are submitting duplicate original orders for docketing in each Chapter 11 case.

14. On March 1, 2010 the Debtors served, either electronically or first class U.S. mail, postage prepaid, copies of this Motion, a proposed form of Order and Notice of Hearing on the United States Trustee's Office, each of the Debtors' secured creditors, and upon the twenty (20) largest unsecured creditors of the Debtors. The Debtors hereby request that this Court find that such service is sufficient notice to all parties in interest under the circumstances of this case.

WHEREFORE, the Debtors respectfully request that this Court enter an order granting the relief requested herein and such other and further relief as is just and equitable.

Dated: March 1, 2011

MAIETTA CONSTRUCTION, INC.

By its attorneys:

/s/ Robert J. Keach

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